

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 478 OF 2007

Rahul Devidas Sali & ors.... Petitioner

versus

Maharashtra State Electricity
Distribution Company Ltd. & anr..... Respondent.

Shri P.P.Kulkarni for the petitioner
Shri J.A.Udaipuri i/b M/s. Udaipuri & sons for the
respondent no.2.

CORAM; A.P. DESHPANDE, J.
DATED; 4TH JULY, 2007

P.C.;

1. The petitioners claim to be tenants of the respondent no.2 landlord. It is the case of the petitioners that they have taken on lease, the open space and the same was being used by the petitioners for business of parking space. The petitioners moved an application before the C.J.J.D. Ichalkaranji under section 29 of the Maharashtra Rent Control Act inter alia contending that the landlord had provided electric supply to the tenanted premises and the same has been discontinued by him. Thus a prayer was made for restoration of the electric supply. In the said proceeding, an application for temporary mandatory injunction was moved seeking a direction against respondent no.1 Maharashtra State Electricity Distributing Company so also the respondent no.2 to

restore the electricity supply. The trial court so also the first appellate court have on facts found that the landlord had at no point of time made the provision for electricity supply to the premises in question and thus the question of its discontinuance does not arise. Having so held the courts below further found that there is no case made out for restoration of electricity supply.

2. Perused the impugned order. No case is made out for interference. Hence writ petition deserves to be summarily dismissed. At this stage, the learned counsel for the petitioner submits that the petitioner be granted liberty to approach the respondent no.1 under provisions of section 29(7)(b) to have electricity supply at his own costs. The learned counsel for the respondent submits that in the event if such an application is moved by the petitioner, the respondents need to be heard in the matter by respondent no.1. Having regard to the dispute involved though the writ petition is summarily dismissed, I grant liberty to the petitioners to approach the respondent no.1 by an appropriate application under section 29(7)(b) of Maharashtra Rent Control Act and in the event if the petitioners prefer such an application, it shall be obligatory on the part of respondent no.1 to grant an opportunity of

hearing to the respondent no.2 herein. The writ
petition is thus summarily dismissed.

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